



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/043,554

01/11/2002

John K. Brixius

GS1-0007US

7333

56678

7590

02/05/2008

LEE & HAYES, PLLC
421 W. RIVERSIDE AVE.
SUITE 500
SPOKANE, WA 99201

EXAMINER

ZECHER, MICHAEL R

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

02/05/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/043,554	Applicant(s) BRIXIUS ET AL.	
	Examiner MICHAEL R. ZECHER	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a final Office Action on the merits. The Amendment/Remarks received November 21, 2007, have been entered. **Claims 23-43** are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 24-28, 31-38, & 41-43** are rejected under 35 U.S.C. 103(a) as being anticipated by Dickstein et al. (U.S. 2002/0087373), in view of Louie et al. (U.S. 2001/0054022), and further in view of Wolven et al. (U.S. 6,246,994).

As per claim 23, Dickstein et al. teaches a method for providing restricted security distribution instructions to a transfer agent comprising the steps of:

receiving information from a Venture Capitalist ("VC") in electronic form, the distribution information including data indicating for each participant in the distribution a name, an identification number, and a number of allocated securities (See paragraphs 26, 28-29, & 53 which discuss how a database is maintained to catalog the capitalization structure of a company, including information about shares; how changes to the capitalization structure can be incorporated into the database electronically; and mentions potential users, such as venture capitalists);

importing the distribution information into a database system (See paragraph 28 & 29 which discuss how changes to the capitalization can be incorporated into the database electronically);

matching participants identified in the distribution information to participant information previously entered in the database system (See paragraphs 33 which discusses checking to see if the company in question has a corporate identifier entry; and how the database can be searched to see if a person or entity has been created within the database, and if not, creating a new record);

storing the distribution instructions received from contacts in the database system (See paragraph 26, 28, & 44, which discuss a sequence of instructions used to manage the capitalization structure; and, furthermore, a database that is maintained to catalog the capitalization structure of the company, including information on the issuances of shares, the granting of options to purchase, information related to changes to the capitalization structure, and information related to changes between the security holders and the company);

generating a report including received distribution instructions for the participants in the distribution (See claim 46 which discusses creating projections and reports based on the data as applied to various capitalization scenarios); and

providing the report to a transfer agent (See paragraph 37 which discusses alerting the transfer agent directly to issue stock for the identified option holder).

However, Dickstein et al. fails to expressly disclose associating each respective participant in the distribution information with a contact from which instructions

regarding disposition of the allocated securities to each respective participant can be obtained; and indicating one or more contacts to be contacted to obtain distribution instructions for associated participants.

Louie et al. discloses a tracking and management system for accessing and manipulating data related to a loan, including investor, borrower, and institution information (See paragraph 3, which discusses a management and administration system for tracking information relating to a loan).

Both Dickstein et al. and Louie et al. disclose methods for tracking information. Louie et al. discloses contact information and instructions for each respective investor (See paragraph 45, which discusses how investor information, such as instructions and contact information, is entered and tracked); and, furthermore, how the contact information includes such items as name, address, phone numbers in addition to a number of roles and responsibilities (See paragraph 47, which discusses how the investor management system includes contact data, including name, address, phone numbers, and roles/responsibilities). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dickstein et al. to include securities related information such as distribution instructions and contact information as taught by Louie et al. in order to decrease human involvement when disposing of allocated securities and to keep the relationship between security holders and company contacts current. For example, when a security holder seeks a distribution, the capitalization structure changes. Due to strict accounting regulations,

there is a pressing need to continually update information in order to ensure that records are kept accurately and distributions are allotted accordingly.

The Dickstein et al. and Louie et al. combination discloses all elements of the claimed invention; however, the combination fails to expressly disclose contacting the one or more contacts to obtain distribution instructions.

Wolven et al. discloses a system and method for providing individual information (See abstract).

Both the Dickstein et al. and Louie et al. combination and Wolven et al. disclose methods for tracking information. Wolven et al. discloses home and emergency contact information (See column 4, line 37-53, which discusses information such as home and emergency contacts; it is obvious based on this disclosure that individuals may be contacted based on their home or emergency contact information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dickstein et al. and Louie et al. combination to include using contact information associated with specific participants to contact one or more disclosed additional contacts as taught by Wolven et al. in order to achieve the predictable result of combining the winding down of a venture capitalist endeavor or corporation with gathering additional contact information relating to the distribution of securities in order to ensure proper and accurate disposition of allocated securities.

As per claim 24, Dickstein et al. teaches scrubbing the received information prior to the importing step (See paragraphs 20-21, 30, & 33 which discusses how a server computer, containing a processor for processing information, communicates with

a client computer using conventional means; for example, entering tentative option grants and updating related information via the internet--whereupon the database is checked to see if the company or person corresponds with records kept in the database);

As per claim 25, Dickstein et al. teaches wherein the step of matching participants comprise the steps of:

identifying previously stored records in the database system containing matching identification numbers (See paragraph 33 which discusses checking to see if a company in question has a corporate identifier entry, and searching the database to see if the person or entity has been created within the database);

indicating difference between data in identified records and the distribution data received from the VC (See paragraph 33 & 35 which discusses determining the option to be granted, including checking the database to see if the option plan exist; and, furthermore, determining if the option plan has an early exercise feature); and

indicating participants in the distribution for which no matching previously stored record was found (See paragraph 33 which discusses searching the database to see if the person or entity has been created within the database, and if not, creating a record).

As per claim 26, Dickstein et al. teaches defining distribution restrictions for a particular participant (See paragraph 35 which discusses allowing a derivative security holder to exercise an option, SPR, CPN, or a warrant based on certain restrictions).

As per claim 27, Dickstein et al. teaches dynamically indicating the contacts for participants in the distribution and a contact status for the indicated contacts (See

claims 1, 17, & 65, and paragraph 33 which discusses updating data regarding a company through an update mode; and checking the database for a corporate identifier and/or a person or entity that has been created within the database);

As per claim 28, Dickstein et al. teaches upon the selection of an indicated contact indicating all open items for which the contact must be contacted (See paragraph 28 which discusses how information related to changes in capitalization structure or in the relationship between the security holders and the company will be reported to company contacts and the database administration system via company contacts).

As per claim 31, Dickstein et al. teaches wherein the step of generating is performed in response to the receipt of distribution instructions for at least one participant (See paragraph 44 which discusses how the name of a user entering data regarding a transaction or modifying data regarding a transaction is automatically noted by the system; and how the system generates detailed reports).

As per claim 32, Dickstein et al. teaches granting the transfer agent custody of the allocated securities for at least a limited period of time (See paragraph 37 & 49, which discuss retrieving information from a transfer agent, the option of performing a same day sale, and allowing the holder to choose a broker to execute the trade), and wherein the allocated securities are associated with corresponding participants, and further wherein the transfer agent is configured to perform incremental distributions of the securities in accordance with the distribution instructions (See paragraph 33, which

discusses granting or distributing a security based on instructions, including determining the class of option to be granted and the associated vesting schedule).

As per claim 33, Dickstein et al. does not expressly disclose sorting contacts in an order of urgency, such that contacts associated with more exigent items are contacted before contacts associated with less exigent items.

Louie et al. discloses contact information and instructions for each respective investor (See paragraph 45, which discusses how investor information, such as instructions and contact information, is entered and tracked). Therefore, it would have been obvious to someone of ordinary skill in the art at the time the invention was made to modify Dickstein et al. to include securities related information such as distribution instructions and contact information as taught by Louie et al. in order to decrease human involvement when disposing of allocated securities and to keep the relationship between security holders and company contacts current.

However, the Dickstein et al. and Louie et al. combination does not expressly disclose sorting contacts in an order of urgency.

Wolven et al. discloses home and emergency contact information (See column 4, line 37-53, which discusses information such as home and emergency contacts; it is obvious based on this disclosure that individuals may be contacted based on importance (e.g. if it is an emergency, contact the emergency contact). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dickstein et al. and Louie et al. combination to include contact information based on urgency as taught by Wolven et al. in order to achieve the

predictable result of combining the winding down of a venture capitalist endeavor or corporation with gathering urgent contact information relating to the distribution of securities in order to ensure that allocated securities are disposed of according to the importance of the situation at hand.

As per claim 34, Dickstein teaches a system for generating restricted security distribution instruction reports suitable for use by a transfer agent, the system comprising:

- a database (See paragraph 26 which discusses how a database is maintained to catalog the capitalization structure of a company);

- accessible by at least one client computer system (See paragraph 31 which discusses how a stakeholder, a person or agent who conducts business with the company, can access the information stored in the database via the web page);

- a database import module configured to import into the database distribution information received from an originating entity in electronic form (See Figure 1, #100 & #110, and paragraph 20, which discuss conventional means by which clients may supply information to the web server through the World Wide Web and the web server may return process data to the clients), the distribution information including data indicating for respective participants in the distribution a name, an identification number, and number of allocated securities (See paragraphs 26 & 28-29 which discuss how a database is maintained to catalog the capitalization structure of a company, including information about shares; and, furthermore, how changes to the capitalization structure can be incorporated into the database electronically);

a participant matching module configured to match participants identified in the distribution information to participant information previously stored in the database (See Figure 2, #201, #202, and #204, and paragraph 33, which discusses a computer system comprising of a communication means for communicating information, a processing means for processing information, and a dynamic storage device; checking to see if the company in question has a corporate identifier entry; and, additionally, how the database can be searched to see if a person or entity has been created within the database, and if not, creating a new record);

at least one disposition module configured to store distribution instructions received from the contacts (See Figure 2, #204, and paragraph 21, which discusses a computer system containing a dynamic storage device used for storing information and instructions to be executed by a processor).

a participant instruction report module configured to generate a report including received instructions for the participants, the report suitable for electronic transfer to agents (See Figure 3, #322 & #326, paragraph 29, and paragraph 37, which discusses how the database administration software generates reports processed during data analysis that are capable of alerting transfer agents directly).

Dickstein et al. does not expressly disclose a participant contact association module configured to associate each participant in the distribution with a contact from which instructions regarding the disposition of the securities allocated to the participant can be obtained; and a call queue module configured to indicate contacts who must be contacted to obtain distribution instructions for associated participants.

Louie et al. discloses contact information and instructions for each respective investor (See paragraph 45, which discusses how investor information, such as instructions and contact information, is entered and tracked); and, furthermore, how the contact information includes such items as name, address, phone numbers in addition to a number of roles and responsibilities (See paragraph 47, which discusses how the investor management system includes contact data, including name, address, phone numbers, and roles/responsibilities). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Dickstein et al. to include modules configured with securities related information such as distribution instructions and contact information as taught by Louie et al. in order to decrease human involvement when disposing of allocated securities and to keep the relationship between security holders and company contacts current. For example, when a security holder seeks a distribution, the capitalization structure changes. Due to strict accounting regulations, there is a pressing need to continually update information in order to ensure that records are kept accurately and distributions are allotted accordingly.

The Dickstein et al. and Louie et al. combination discloses all elements of the claimed invention; however, the combination fails to expressly disclose a contact module configured to facilitate contact of the contacts and procurement of the distribution instructions.

Wolven et al. discloses home and emergency contact information for an individual (See column 4, line 37-53, which discusses information such as home and

emergency contacts; it is obvious based on this disclosure that individuals may be contacted based on their home or emergency contact information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Dickstein et al. and Louie et al. combination to include using contact information associated with specific participants to contact one or more disclosed additional contacts as taught by Wolven et al. in order to achieve the predictable result of combining the winding down of a venture capitalist endeavor or corporation with gathering additional contact information relating to the distribution of securities in order to ensure proper and accurate disposition of allocated securities.

As per claim 35, Dickstein et al. teaches a scrubbing module configured to format the received information and to verify that required data fields are present prior to processing of the received information by the import module (See Figure 1, #100 & #110, and paragraphs 30 & 33, which discuss conventional means by which clients may supply information to the web server, the server computer includes a processor for processing information; and, furthermore, entering tentative option grants and updating related information via the internet--whereupon the database is checked to see if the company or person corresponds with records kept in the database).

Claim 36 recites equivalent limitations to claim 25 and is therefore rejected using the same art and rationale set forth above.

As per claim 37, Dickstein et al. teaches wherein the call queue module is configured to dynamically indicate contacts for participants in the distribution and a contact status for the indicated contacts (See Figure 2, #201, #202, and #204, claims 1,

17, & 65, and paragraph 33, which discusses a computer system comprising of a communication means for communicating information, a processing means for processing information, and a dynamic storage device; and, furthermore, updating data regarding a company through an update mode; and checking the database for a corporate identifier and/or a person or entity that has been created within the database).

Claims 38, 41, & 42 recite equivalent limitations to claims 28, 31, & 32, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 43, Dickstein et al. teaches wherein the database comprises a plurality of tables including tables forming:

an allotment cluster configured to store information related to distribution tasks to be performed by the facilitator (See Figure 4 & 5, and paragraph 31, which discuss altering stored data, including options to be granted, using a web page interface);

a participant cluster configured to store individual account level reference information (See Figure 4 & 5, and paragraph 31, which discusses how a stakeholder, a person or agent who conducts business with the company, can access information stored on a database);

a contact cluster configured to store contact reference information (See Figures 4 & 5, and paragraph 33, which discuss a variety of managerial functions on securities, including checking corporate identifier entries, determining the class of option to be granted by searching the database to see if a person or entity has been created within the database, and if not, creating a record);

a project cluster configured to store information related to specific security distribution projects (See Figures 4 & 5, and paragraph 26, which discusses maintaining a database that catalogs the capitalization structure of a company).

4. **Claims 29, 30, 39 & 40** are rejected under 35 U.S.C. 103(a) as being anticipated by Dickstein et al. (U.S. 2002/0087373), in view of Louie et al. (U.S. 2001/0054022), in view of Wolven et al. (U.S. 6,246,994), and further in view of Official Notice.

As per claim 29, the Dickstein et al. and Louie et al. combination does not expressly disclose wherein the contacting comprises directing a human operator to manually contact the one or more contacts.

The Examiner takes Official Notice that it is old and well known in the art to direct an individual to contact another individual via a communication device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Dickstein et al. and Louie et al. combination to include directing an individual (e.g. company employee, human operator) to contact an individual listed for contact purposes (i.e. home or emergency contact) in order to achieve the predictable result of gathering additional information.

As per claim 30, the Dickstein et al. and Louie et al. combination does not expressly disclose wherein the storing comprises allowing a representative to manually enter the distribution instruction into the database system.

The Examiner takes Official Notice that it is old and well known in the art to allow an individual to manually enter information into a database. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

Dickstein et al. and Louie et al. combination to include allowing an individual (e.g. company employee, human operator) to enter information into a database in order to achieve the predictable result of updating information in order to ensure that records are kept accurately and security distributions are allotted accordingly.

Claims 39 & 40 recite equivalent limitation to claims 29 & 30, respectively, and are therefore rejected using the same art and rationale set forth above.

Response to Arguments

5. Applicant's arguments filed November 21, 2007, have been fully considered but they are not persuasive.

In the remarks/arguments, the applicant argues in substance that:

(a) Louie et al. fail to teach “associating each respective participant in the distribution information with a contact from which instructions regarding a disposition of the allocated securities to each respective participant can be obtained” or “indicating one or more contacts to be contacted to obtain instructions for associated participants.”

(b) Dickstein et al. and Louie et al. fail to teach “contacting the one or more contacts to obtain distribution instructions.”

(c) Dickstein et al. fails to teach “granting the transfer agent custody of the allocated securities for at least a limited period of time, and wherein the allocated securities are associated with corresponding participants, and further wherein the transfer agent is configured to perform incremental distributions of the securities in accordance with the distribution instructions.”

(d) Dickstein et al. fails to teach “sorting contacts in the order of urgency, such that contacts associated with more exigent items are contacted before contacts associated with less exigent items.”

(e) Louie et al. fail to teach “a participant contact association module configured to associate each participant in the distribution with a contact from which instructions regarding the disposition of the securities allocated to the participant can be obtained” and “a call queue module configured to indicate contacts who must be contacted to obtain distribution instructions for associated participants.”

(f) Dickstein et al. and Louie et al. fail to teach “a contact module configured to facilitate contact of the contacts and procurement of the distribution instructions.”

In response to (a) & (e):

Examiner respectfully disagrees with applicant’s assessment of Louie et al. in regards to claim 23 & 34. First, in rejecting this limitation, the Office relies on paragraphs 45 & 47 of Louie et al., not paragraph 3. Second, applicant argues that participants in Louie et al. initiate contact with the system themselves rather than the system contacting the participant. Examiner fails to see how this relates to associating each participant with respective contact information already stored in the database system. In the former, the applicant is arguing who contacts who, but in the latter, the applicant is simply claiming information that already exists in the database system. Louie et al. is used as prior art in order to teach that investor information, such as instructions and contact information, is entered and tracked (See paragraph 45). The contact information includes name, address, phone numbers and other roles and

responsibilities (See paragraph 47). From this disclosure, Louie et al. teaches that each participant is associated with a contact or contacts associated with specific roles and responsibilities. Therefore, at this point, it is irrelevant whether or not a participant needs to be contacted.

In response to (b) & (f):

Based on applicant's amendment to claims 23 & 34, Examiner has incorporated the Wolven et al. reference to teach that individuals may be contacted based on references--home and emergency contact information. From this disclosure in Wolven et al., it would have been obvious to one of ordinary skill in the art that participants may be contacted, based on the contact information provided, rather than individual contacting the system directly.

Regarding the specifics of contacting an individual to obtain information, specifically "distribution information," this difference is only found in the nonfunctional descriptive material and does not affect how the claimed "contacting one or more contacts" functions (i.e., the descriptive material does not have any claimed function in contacting a reference). Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add "obtaining distribution information" to the "contacting one or more contacts", because the information obtained does not alter the function of contacting a reference.

In response to (c):

Examiner respectfully disagrees with applicant's assessment of Dickstein et al. in regards to claim 32. Applicant asserts that no mention is given in Dickstein et al. of actually "granting the transfer agent custody of the allocated securities for at least a limited period of time..." and how "the transfer agent is configured to perform incremental distributions of the securities in accordance with the distribution instructions." A transfer agent is defined as an agent appointed by a corporation, to maintain records of stock and bond owners, to cancel and issue certificates, and to resolve problems arising from lost, destroyed, or stolen certificates (See Barron's Financial Guides, Dictionary of Finance and Investment Terms, Copyright 1998). It is inherent from this definition that a transfer agent would have custody of the securities for a limited amount of time in order to cancel or issue stock certificates in accordance with distribution instructions. Since applicant doesn't claim a specific amount of time, it is insignificant whether the transfer agent has the allocated securities in his/her possession for a mere second or a few days. Regardless, the disclosure of a transfer agent in paragraphs 33, 37, & 49 of Dickstein et al. teaches the inherent limitations of a transfer agent claimed by applicant.

In response to (d):

Applicant's arguments with respect to claim 33 have been considered but are moot in view of the new grounds of rejection.

Regardless, in response to applicant's argument that "...contacts with more exigent items are contacted before contacts associated with less exigent items," a

recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use then it meets the claim.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. ZECHER whose telephone number is (571)270-3032. The examiner can normally be reached on M-F 7:30-5:00 alt. Fridays off.

Art Unit: 3691

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRZ

/Hani M. Kazimi/
Primary Examiner, Art Unit 3691